

District VI Advisory Board
Minutes
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Monday
January 5, 2009
6:30 p.m.

Evergreen Recreation Center
2700 N. Woodland
Lounge Clubroom

The District VI Advisory Board meeting was held at 6:30 p.m. at the Evergreen Recreation Center Lounge Clubroom 2700 N. Woodland. District VI councilwoman led the meeting with ten (10) District Advisory Board members in attendance, ten (10) city staff and twelve (12) members of the public who signed in.

Members Present

C. Bickley Foster
Carol Skaff
Bob Schreck
Charlie Claycomb
Marsha Carr
Pat Randleas
John VanWalleghen
Bob Wine
Bob Aldrich
Janet Miller

Members Absent

Jaya Escobar

Staff Present

Terri Dozal, Neighborhood Assistant
Jess McNeely MAPD
Kenneth Atnip, WPD
Jose Salcido Patrol North
Officer Sharp Patrol North
John D'Angelo, City Arts
Officer Carlson, Patrol South
Officer Davidson, Patrol West
Battalion Chief Steele, Fire
Carl Haas, Public Works

Guests

Listed at end

Council Member Fearey called the meeting to order at 6:35 p.m. welcoming everyone and asked members to introduce themselves and state their representation on the board.

Approval of Minutes

The minutes for December 1st were approved as submitted and December 17, 2008 approved with one correction. (Skaff/Claycomb 10-0)

Approval of Agenda

The agenda was approved with one correction. (Aldrich/Claycomb 10-0)

Public Agenda

1. **Scheduled items:** None
2. **Off-agenda items:** None

***** **Action:** Provide comments/take appropriate action.

Staff Presentations

3. Community Police Report

Patrol West: Officer Davidson reported from mid November to December there was an increase in auto larcenies along Central/West Streets. People are leaving their cars unlocked or they break the windows to get items in plain sight. Please report any suspicious activity. Orchard Park now has GO-Zone activities with youth from Bryant and Hadley schools participating. March 25th there will be a basketball game between Police and Fire. Officers

will be mentoring youth on Thursdays. Bryant Elementary now has the flashing school light and sidewalk installed and this has helped with drivers slowing down in the school zone.

Patrol South: Officer Carlson reported in Old Town auto larcenies continue. This has been a continuous process since Feb. 08. It is the same guys doing the same things. We have done special assignments using the rental car and have been able to catch some panhandlers and car burglars. We learned that the panhandlers were using our Police officer shift change to coincide with their offenses. We will continue to address any problem clubs and aggressive panhandlers.

Patrol North: Officer Sharp 48 Beat reported the recent report given to DAB VI that showed rapes at a slight increase is teens having consensual sex and the parents are reporting. **Aldrich** asked of the six rapes were they all consensual. *Sharp* responded all but one which was incest.

Patrol North: Sgt. Salcido reported the increase in graffiti is due to a suicide by a gang leader and his crew is putting up graffiti in his memory. Last night around 21st/Amidon there were kids coming from the Plainview area that were caught tagging and are in custody. The graffiti you see is from various gangs. Also there has been an increase in selling CRACK in motels along Broadway. We have arrested some gang members since they moved operations up here due to removing them from other bureaus. Gang activity is a public nuisance and we need to charge the people who own properties they are renting from. **Aldrich** stated he noticed that West of 13th/West there is an increase in gang graffiti and the Orchard Park skate area has been tagged. *Salcido* responded that they are the PFL's (Players for Life gang) who stay around 9th/Charles. You are now starting to see graffiti on park picnic tables as they are using permanent markers and it's very hard to get off.

***** **Action:** Receive and file

4. **Fire Department Report**

Battalion Chief Steele stated he brought the same report from November. There were four structure fires in December. They were a car fire, fire in kitchen with water damage, a fire in shed being used as a dwelling and an apartment. *Steele* commented that he lives in District VI.

At this time **Council Member Fearey** introduced *State Representative Delia Garcia* who was attending the meeting.

***** **Action:** Receive and file

New Business **Planning**

5. **CUP2008-00052**

Before the discussion of the case, **Aldrich** commented this presentation would not alter his decision. The District 6 Advisory Board (DAB) considered a DP-18 Amendment #3 to allow a night club/drinking establishment on property zoned LC Limited Commercial generally located north of 21st Street North and East of Somerset Avenue. The members were provided the MAPD staff report for review prior to the meeting. *Jess McNeely*, Planner presented the case background and reviewed the staff recommendation with members and the public.

The Board asked the following questions/comments: *responses in Italics*

- What is the correct address of the location? *1570 W. 21st*
- Was a notification sign posted as I don't see one? *Yes, it was posted but could have been taken or blown away. The sign is placed 13 days in advance. Anything could have happened and I will report to have the sign reposted.*
- What about the parking for the supermarket, where is it to be? *This will be shared parking for the night club. The market has regular business hours and closes at 7:00 p.m.*

- How do you intend to isolate the parking? *Management will need to enforce.*
- Will this CUP request stay with the property? *The CUP will stay with the property.*
- We want to consider not this particular owner but possibly the next owner/operator and the business they may put in to be a good fit with the neighborhood. We don't want repeat problems.
- This is not in compliance with the *Comprehensive Plan* as the distance requirements are not met.
- What are the owner's plans for security and training? *I will have Events Service as security and get closer to the Police Department and require a dress code which will make a difference in who will be allowed into the club. Will the dress code be posted? Yes it is now.*
- Will this club be connected to the restaurant and will it be non-smoking? *Yes, to both.*
- I suggest you cut the parking along Somerset.
- Is the owner aware of the draft Club ordinance? *This request is separate from that.*
- Very impressed the owner has worked with the neighborhoods for their support.
- If they catch underage drinkers would they be removed? *Yes*

Russ Ewy, Baughman agent for the applicant stated there had been previous problems with the other club where patrons were on neighbor's yards, throwing bottles, fighting and driving drunk. With this new owner their will be less likely problems as it is not a free standing night club but anchored to a restaurant.

Mario Quiroz 2137 N. Keith, owner of Frida's Restaurant invited everyone to his business. I have another restaurant business for the past eight years and now want to bring a neighborhood business to this area as I see other businesses leaving. I tried bringing like a Looney Bin club in Spanish but it didn't work.

Page Conner, 2302 N. Hood stated this same type of problem was why she had paid a great expense to move here as she didn't want a night club in her neighborhood. At present she has called the police many times due to people parking on the East side, gun fights, public urination and noise. There are one dozen children that live on this block. I have heard great things about the food but already there is noise from loud speakers.

Stephanie Coffey, 121 W. Poplar stated she was intimidated by clubs and asks to be escorted out by Security Guards. Go look at the club it is built for entertainment and drinking could create problems because it is a different crowd with dancing.

Delia Garcia, 2660 Litchfield stated she supports small businesses in Wichita and the district. This restaurant has good food; family oriented and is concerned about the community. It's very good that this location is anchored by a restaurant.

Delora Donovan 1559 Farrell Dr. said she supports this business and its effort to open a decent business. The North Riverside Neighborhood Association has had to work to close other establishments due to what was going on in them.

Sgt. Salcido, Patrol North said he is very confident this will be a good business partner and that he will work with the police.

Steve Cisneros, Topeka has hosted many meetings at the restaurant. *Cisneros* stated he is very proud as this will brings pride to the Hispanic community and life back into the neighborhood.

Hank Blasé said his office is across the street from the business and hasn't seen a notification sign go up. Once this CUP is approved for the building and then new owners come in we can't take back what was done. Also two residents didn't know about the change and are against it so please take this into consideration. *Blasé* continued it took over one year to get the problem people out of there. At present it's like an activity center and lots of parking is being used already. This is just not good for the neighborhood.

Miguel Bañuelos, 1150 N. Market said it is hard to start a business and make it grow. This place is 1/3 the size of

The Latino Boom. Newcomers are now adjusting to the system and learning. You didn't hear gun shots for the New Year. This will be a very nice club as he has had the restaurant La Mesa for the past 10 years.

******Action:** The DAB VI members made a motion to recommend to City Council Approval (**Aldrich/Skaff 10-0**) of the request based on staff recommendations.

Continued discussion from members:

Foster stated he was on the 21st/Street committee and the only one to attend every meeting. I have looked at the complete study area and say where would you put this at. There is no room along Broadway and it didn't work at Twin Lakes as it is much regulated. I suggest you cut the parking along Somerset and will support the motion.

Aldrich said the applicant has done a tremendous job to continue the support of diverse culture. He says the owner will work with law enforcement and I believe this is a good fit.

Skaff said she had been to the restaurant and doesn't think parking is an issue on Somerset and would support the motion. It's an excellent use of space. It is a family feel restaurant like Cortez.

Schreck said he was very impressed the applicant has been working with all the neighborhoods/organizations. I don't normally approve if the sign isn't posted but will support this motion.

Wine said he felt like Bob about the applicant working with the neighborhood. It is a bad idea for this location because of the next proprietor to come in. I will support it.

Miller stated that DAB's responsibility was to evaluate this request based on zoning considerations, not the reputation of the operator or his efforts to develop good relationships with the community. While the latter were certainly commendable, they were not relevant to the zoning considerations. **Miller** stated she supported the request for the CUP amendment because of the location of the club on the west side of the property and the recommended requirements, including the club's attachment to a restaurant under the same ownership, the size limitation of 5,000 sf., and maximum occupancy of 300 persons.

6. I-135 to K-96 Bike path

Carl Haas, Public Works gave an overview of the proposed project of the I-135 to K-96 bike path project which lies on the border of District VI and District I north of McAdams Park. *Haas* included that at present there is no funding to do this but the department is preparing for when funding becomes available.

Brent Thomas gave background about the project and why it was being planned for the area.

The Board asked the following questions/comments: *responses in Italics*

- There is a lime street wall located to the path, how do you plan to deal with graffiti?
- How many pedestrians utilize the bike path? Will it be 20 people per month or 20/every 6 months?
- How can you justify this cost? **Aldrich** said he asked the same questions to other city departments and no one could give him an answer. *WAMPO has a plan to make the connection for the bike path and it has been approved.*
- Where is the funding coming from - Federal Funds? *KDOT is waiting on funding.*
- How many entrances on the path and will there be access? *There will be no fence but we will obstruct access along the corridor we wouldn't want to affect the channel on Hydraulic.*
- How much land will have to be purchased to do this? *Some North of 25th and East of I-135 but no money to be spent on the right-of-way.*
- Could you move that one segment of the path to the west rather than keeping it where it presently is shown?
- Who will be in charge of maintenance? *Central Maintenance Facility and Parks staff will maintain.*
- What about lighting will there be any? *The city is looking at fixtures with solar lighting possibly on a timer.*
- What will you do with the trees; can you make the pathway to by-pass trees? *We can leave the trees.*

Claycomb said this would be a great path addition to the trail system. It will look a lot better and I will be using it. **Skaff** included that so many cyclists would ride up here and this was a great investment in Wichita's future.

*******Action:** The District Advisory Board made a motion to recommend approval of the project when funding becomes available. (**Miller/Claycomb 9-1 Aldrich**)

7. **Draft club ordinance Proposed changes to Ordinance 3.28, 4.04, 4.12, & 4.16 of the city code regarding Entertainment Establishments & Drinking Establishments**

Captain Kenneth Atnip gave an overview of the proposed changes to the ordinance regarding Entertainment and Drinking Establishments. There have been quite a few violent incidents that have occurred this past year at clubs and that brings us to make changes. *Atnip* stated even though we are requesting these changes it is WPD's intent to build/improve constructive working relationships with club operators/managers.

The Board asked the following questions/comments: *responses in Italics*

- How will private security personnel be trained and will they be certified or licensed? *Security companies have to have staff trained and licensed. We will include the requirements for CPTED reviews/plans approved by WPD; require "safe bar" classes for on-sight managers, and the club's security plan to be reviewed by WPD.*
- To be reclassified as DE when does that happen and how soon? *Documents are sent to the wholesaler after 2 months about the amount of sale of food. If the club enforcement authority is not doing what they are supposed to will they be shut down? They become cited and have 10-15 days to make corrections while still operating.*
- These businesses should be shut down if they are in violation. *We just need to do a better job. To identify problem locations and resolve the issue faster.*
- Licensing of event centers such as the Art Museum will they come under this ordinance? *No.*
- What will the result be if the establishment goes from a DER to DE? *Only patrons 21 years of age will be allowed into the location. This will be fewer patrons, correct? Yes.*
- Listing of the manager's name/team in the club, what will that do? *A management team member has to be on-site so we can recognize them better. Will there be consequences if one isn't there? Yes.*

Carr stated the organization NUSA (Neighborhoods USA) work with other departments to help shut down clubs in violation.

- What will be the proposed distance from the club since we didn't receive the full ordinance to know? *Currently its 200ft but we want to find a workable solution.*

Wine included he was very disappointed with DC Stoltz as he didn't follow through with his promise about providing full information to the neighborhoods. **Wine** felt WIN should have been more involved in development and preparation of the proposed ordinance amendments, and should have received draft versions much further in advance of any DAB meetings/reviews.

- There should be a requirement for known Neighborhood Associations and/or Homeowner Associations to be notified of new club license and zoning applications.

Fearey stated if this is something we want to include (new club license and zoning applications) to be reviewed at the DAB, this could be discussed more when it comes to Council.

Claycomb said he commended *Captain Atnip* for all the work he has done on this committee as he pulled all this together. At present, Police don't have a right to inspect clubs and feels this is a good step forward.

***** **Action:** The District Advisory Board made a motion to recommend Approval (**Skaff/Schreck 10/0**) to forward the ordinance to City Council for adoption with addition to the amendment that requires (**include drinking**) establishments selling alcoholic liquor or cereal malt beverage to provide parking as required by the

Wichita/Sedgwick County Unified Zoning Code. Include that drinking/restaurant establishments serving 50% food sales are required to review after 30 days (for cause) with Police audit. Additionally, it is requested that the City notify neighborhood associations as a reviewing mechanism for this and relevant ordinances, new or amended.

8. Design Council Advisory Board and Review Process

John D'Angelo, City Arts discussed the Design Review Process and Consultant Guidelines as to their function and benefit to members of City Council and the City of Wichita. *D'Angelo included* that Wichita is setting the pace by improving quality of Life, the city's image to tourists and their improvement for the safety of neighborhoods. The design process takes these things into consideration and uses high visibility locations for showing our art at work.

Aldrich commented that the design on the underpass at Kellogg is very attractive. Also who determines who will be on the Design Council? *D'Angelo* commented the Council appoints people to the board and there are three from the general public.

Jerry Prichard, Indian Hills-Riverbend commented he felt the arrows at the Keeper exhibit don't fit in somehow.

***** **Action:** Receive and file

Board Agenda

9. Problem Properties

- Graffiti: at the spillway still hasn't been removed.

***** **Action:** Receive and propose appropriate action.

10. Neighborhood Reports

None were reported.

***** **Action:** Receive and file.

Updates from the Councilmember

- Staff continues working on the animal ordinance.

Announcements

- Next DAB meeting will be on Monday, February 2, 2009

With no further business to discuss the meeting adjourned at 9:55p.m. (**Claycomb/Carr**)

Guests

Hank Blasé	2302 N. Hood 67204 Hblase@hotmail.com
Tom Carr	1027 W. River Blvd. 67203 RCA
Christine Eberle	1814 Joann NW Big River NA
Margo Parks	2209 Lydia mparks@wichita.gov
Miguel Banuelos	1915 N. Market
Delora Donovan	NRNA
Jerry Prichard	1607 N. Clarence Indian Hills-Riverbend N.A.
JD and Melissa Patton	1939 N. Gow NW Big River jdpattson1046@gmail.com
Rep.Delia Garcia	2660 Litchfield 67204 El Pueblo Garcia@house.state.ks .
Russ Ewy	
Brent Thomas	

Respectfully Submitted,

Terri Dozal, Neighborhood Assistant